

REMARKS / DISCUSSION OF ISSUES

Claims 1 – 28 are pending in the application. Claims 1, 11 and 18 are independent.

In the present response, claims 1, 11 and 18 are amended. The support for the claim amendments may be found in Applicants' specification, for example, page 4, lines 16 – 18. No new matter is added.

35 U.S.C. 102

The Office Action rejects claims 1 – 7 and 11 – 25 under 35 U.S.C. 102(e) over Lundkvist (US-2003/0184431).

Applicants submit that for at least the following reasons, claims 1 – 7 and 11 – 25 are patentable over Lundkvist.

For example, claim 1, in part, requires:

“communicating a first response from the target node to the source node, immediately after the query is received and before the query is decrypted at the target node.” (Emphasis added)

Applicants submit that it is apparent from Lundkvist, Fig. 3, that the signal Z is sent after the signal X is decrypted, because the first box on the right that says “X is received and decrypted” is followed by a second box on the right that says “Message z is determined and Z is sent.” Clearly, in Lundkvist, the response Z is sent after the query X is decrypted. In contrast, the claimed invention requires that the response is sent before the query is decrypted. Therefore, Lundkvist fails to disclose the claimed feature: *communicating a first response from the target node to the source node, immediately after the query is received and before the query is decrypted at the target node.*

Applicants further submit that the system taught by Lundkvist cannot transmit a response Z before the message X is decrypted. This is because Lundkvist, paragraph [0031], teaches that the identity information O_ID unique to the object 1 (vehicle) is encrypted in the message X. Therefore, the message X must be first

decrypted before the portable unit 2 can determine to whom the response should be sent.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Lundkvist.

Applicants submit that claims 11 and 18 are also patentable over Lundkvish because they contain many similar distinguishing features as in claim 1.

For example, claim 11 requires:

"a communication device that is configured to receive a query from a source node and to transmit a first response that facilitates proximity verification of the node, to the source node immediately upon receipt of the query and before the query is decrypted." (Emphasis added)

Similarly, claim 18 requires:

"a communication device that is configured to transmit a query to a target node and to receive an immediate first response before the query is decrypted and a second response from the target node." (Emphasis added)

Applicants essentially repeat the above arguments for claim 1 and apply them to claims 11 and 18 pointing out why Lundkvist fails to disclose the above claimed features. Therefore, claims 11 and 18 are also patentable over Lundkvist for at least the similar reasons above.

Claims 2 – 7, 12 – 17 and 19 – 25 respectively depend from and inherit all the respective features of either claim 1, 11 or 18. Thus, claims 2 – 7, 12 – 17 and 19 – 25 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

Withdrawal of the rejection of claims 1 – 7 and 11 – 25 under 35 U.S.C. §102(e) is respectfully requested.

35 U.S.C. 103

Under 35 U.S.C. 103(a) the Office Action rejects claims 8 – 10 and 26 – 28 over Lundkvist, and further in view of Davis et al. (US-6,088,450), hereinafter Davis.

Applicants submit that Davis fails to cure the defects pointed out above with respect to Lundkvist because Davis does not disclose sending an immediate response to a query. Claims 8 – 10 and 26 – 28 respectively depend from either claim 1, or 18, and inherit all of the respective features of claims 1 or 18. Thus, claims 8 – 10 and 26 – 28 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

Withdrawal of the rejection of claims 8 – 10 and 26 – 28 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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